Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 28-29 have been added.

Claims 1-3, 6, 11-14, 20-22 and 26-27 remain rejected under §103(a) as being obvious over Amdahl U.S. Patent No. 6,253,334) in view of McIntyre (U.S. Patent No. 6,381,218). Claims 4-5 stand rejected under §103(a) as being obvious over McIntyre and Fu. Claims 7-9 stand rejected under §103(a) as being obvious over McIntyre and Weigel. Claims 15, 19 stand rejected under §103(a) as being obvious over Weigel. Claims 16-18 stand rejected under §103(a) as being obvious over Amdahl and Weigel.

Applicant traverses these rejections as claimed embodiments recite limitations not taught or suggested by the cited documents.

To expedite consideration of the claims, only the independent claims have been directly addressed in the present response in order to focus examination thereon. Applicant submits that the dependent claims not discussed, while introducing elements further distinguishing these claims over the documents relied on by the Office, are also patentable for at least the reason as depending from allowable base claims. Applicant also points to Applicant's previous response regarding the dependent claims.

Applicant submits the various suggested combinations of documents relied on by the Office is unworkable to teach or suggest the claimed embodiments. Each impendent claim series recites that the stored node address, e.g., "MAC" address, for a driver for a NIC, as well as the receive filter for the NIC itself may be updated under various circumstances. For example, claims 1, 6, 13, 28 recite the "update node address function," claims 15, 20 recite "storing the node address in the node address

Application No. 09/443,026
Amendment dated November 21, 2003
Response to Office Action of July 21, 2003

Atty. Docket No. 042390.P7279
Examiner Charles Anya
TC/A.U. 2126

memory," claim 26 recites "means for directing the base driver to update the stored node address with a new node address," As discussed throughout the Specification, there may be various reasons for desiring an update, including transparent fail-over in case of a NIC failure. See for example, the Specification at page 9 lines 18-25 and page 11 lines 1-6.

For example, Amdahl is cited at col. 8, lines 54-62 as teaching the recited "updated node address function." Applicant disagrees since the cited portion of Amdahl only appears to disclose typical failover, e.g., if one NIC non-functional, another NIC is told it is to be a replacement. **_BUT_**, there is no teaching or suggestion that the stored node address for a failed NIC will be copied into the fail-over NIC so that the fail-over NIC will be a *transparent* (to the outside world) replacement for the failed NIC. As far as can be determined from the cited portions of the documents relied on by the Office, the fail-over NIC retains its original node address; *this is not what is claimed.* Similar limitations are in the other documents relied on, e.g., these documents do not teach the recited updating of stored node addresses.

A network interface's stored node address is conventionally a static value and hence one cannot simply point to conventional non-transparent fail-over teachings and equate these conventional teachings, as being done by the Office, with the recited embodiments. The Office notes in the Response to Arguments section that the Office is assuming that the NIC is updated as recited, and that Applicant would agree such MAC address updating is occurring. **This is incorrect.** Such updating is not performed by the documents relied on by the Office.

Application No. 09/443,026
Amendment dated November 21, 2003
Response to Office Action of July 21, 2003

Atty. Docket No. 042390.P7279
Examiner Charles Anya
TC/A.U. 2126

It is believed this misunderstanding regarding MAC addresses underlies the present rejections. The Office is respectfully requested to call the undersigned to discuss MAC addresses ad this will likely resolve the rejections in this matter.
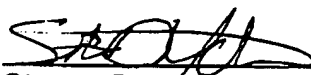
Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims **1-9**, **11-22**, **26-29** are in condition for allowance and such action is earnestly solicited. As noted above, the Examiner is respectfully requested to contact the undersigned by telephone as such contact is believed would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

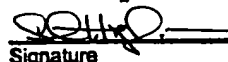Respectfully submitted,

Date: November 21, 2003

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

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DEBORAH L. HIGHAM
Name of Person Mailing Correspondence

11/21/03
Signature   Date

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